

Rule 8.110 Chief Judge Rule

- (A) Applicability. This rule applies to all trial courts: i.e., the judicial circuits of the circuit court, the districts of the district court, the probate court in each county or a probate district established by law, and the municipal courts.
- (B) Chief Judge, Chief Judge Pro Tempore, and Presiding Judges of Divisions.
 - (1) The Supreme Court shall select a judge of each trial court to serve as chief judge. No later than October 1 of each odd-numbered year, each trial court with two or more judges may submit the names of no fewer than two judges whom the judges of that court recommend for selection as chief judge.
 - (2) Unless a chief judge pro tempore or presiding judge is named by the Supreme Court, the chief judge shall select a chief judge pro tempore and a presiding judge of any division of the trial court. The chief judge pro tempore and any presiding judges shall fulfill such functions as the chief judge assigns.
 - (3) The chief judge, chief judge pro tempore, and any presiding judges shall serve a two-year term beginning on January 1 of each even-numbered year, provided that the chief judge serves at the pleasure of the Supreme Court and the chief judge pro tempore and any presiding judges serve at the pleasure of the chief judge.
 - (4) Where exceptional circumstances exist, the Supreme Court may appoint a judge of another court to serve as chief judge of a trial court.
- (C) Duties and Powers of Chief Judge.
 - (1) A chief judge shall act in conformity with the Michigan Court Rules, administrative orders of the Supreme Court, and local court rules, and should freely solicit the advice and suggestions of the other judges of his or her bench and geographic jurisdiction. If a local court management council has adopted the by-laws described in AO 1997-6 the chief judge shall exercise the authority and responsibilities under this rule in conformity with the provisions of AO 1997-6.
 - (2) As the presiding officer of the court, a chief judge shall:

- (a) call and preside over meetings of the court;
 - (b) appoint committees of the court;
 - (c) initiate policies concerning the court's internal operations and its position on external matters affecting the court;
 - (d) meet regularly with all chief judges whose courts are wholly or partially within the same county;
 - (e) represent the court in its relations with the Supreme Court, other courts, other agencies of government, the bar, the general public, and the news media, and in ceremonial functions; and
 - (f) counsel and assist other judges in the performance of their responsibilities.
- (3) As director of the administration of the court, a chief judge shall have administrative superintending power and control over the judges of the court and all court personnel with authority and responsibility to:
- (a) supervise caseload management and monitor disposition of the judicial work of the court;
 - (b) direct the apportionment and assignment of the business of the court, subject to the provisions of MCR 8.111;
 - (c) determine the hours of the court and the judges; coordinate and determine the number of judges and court personnel required to be present at any one time to perform necessary judicial administrative work of the court, and require their presence to perform that work;
 - (d) supervise the performance of all court personnel, with authority to hire, discipline, or discharge such personnel, with the exception of a judge's secretary and law clerk, if any;
 - (e) coordinate judicial and personnel vacations and absences, subject to the provisions of subrule (D);
 - (f) supervise court finances, including financial planning, the preparation and presentation of

budgets, and financial reporting;

- (g) request assignments of visiting judges and direct the assignment of matters to the visiting judges;
 - (h) effect compliance by the court with all applicable court rules and provisions of the law; and
 - (i) perform any act or duty or enter any order necessarily incidental to carrying out the purposes of this rule.
- (4) If a judge does not timely dispose of his or her assigned judicial work or fails or refuses to comply with an order or directive from the chief judge made under this rule, the chief judge shall report the facts to the state court administrator who will, under the Supreme Court's direction, initiate whatever corrective action is necessary.
- (5) The chief judge of the court in which criminal proceedings are pending shall have filed with the state court administrator a monthly report setting forth the reasons for delay in the proceedings:
- (a) in felony cases in which there has been a delay of 28 days between the hearing on the preliminary examination or the date of the waiver of the preliminary examination and the arraignment on the information or indictment;
 - (b) in felony cases in which there has been a delay of 6 months between the date of the arraignment on the information or indictment and the beginning of trial;
 - (c) in misdemeanor cases in which there has been a delay of 6 months between the date of the arraignment on the warrant and complaint and the beginning of the trial;
 - (d) in felony cases in which a defendant is incarcerated longer than 6 months and in misdemeanor cases in which a defendant is incarcerated longer than 28 days.
- (6) A chief judge may delegate administrative duties to a trial court administrator or others.
- (7) Where a court rule or statute does not already require

it, the chief judge may, by administrative order, direct the clerk of the court to provide litigants and attorneys with copies of forms approved by the state court administrator. In addition, except when a court rule or statute specifies that the court or clerk of the court must provide certain forms without charge, the administrative order may allow the clerk to provide the forms at the cost of reproduction to the clerk.

(D) Court Hours; Court Holidays; Judicial Absences.

(1) Court Hours. The chief judge shall enter an administrative order under MCR 8.112(B) establishing the court's hours.

(2) Court Holidays; Local Modification.

(a) The following holidays are to be observed by all state courts, except those courts which have adopted modifying administrative orders pursuant to MCR 8.112(B):

New Year's Day, January 1;

Martin Luther King, Jr., Day, the third Monday in January in conjunction with the federal holiday;

Presidents' Day, the third Monday in February;

Memorial Day, the last Monday in May;

Independence Day, July 4;

Labor Day, the first Monday in September;

Veterans' Day, November 11;

Thanksgiving Day, the fourth Thursday in November;
Friday after Thanksgiving;

Christmas Eve, December 24;

Christmas Day, December 25;

New Year's Eve, December 31;

(b) When New Year's Day, Independence Day, Veterans' Day, or Christmas Day falls on Saturday, the preceding Friday shall be a holiday. When New

Year's Day, Independence Day, Veterans' Day, or Christmas Day falls on Sunday, the following Monday shall be a holiday. When Christmas Eve or New Year's Eve falls on Friday, the preceding Thursday shall be a holiday. When Christmas Eve or New Year's Eve falls on Saturday or Sunday, the preceding Friday shall be a holiday.

- (c) Courts are encouraged to promulgate a modifying administrative order if appropriate to accommodate or achieve uniformity with the holiday practices of local governmental units regarding local public employees.
 - (d) With the prior approval of the chief judge, a judge may continue a trial in progress or dispose of judicial matters on any of the listed holidays if he or she finds it to be necessary.
 - (e) Any action taken by a court on February 12, Lincoln's birthday, or on the second Monday in October, Columbus Day, shall be valid.
- (3) Judicial Vacation Standard. A judge is expected to take an annual vacation leave of 20 days with the approval of the chief judge to ensure docket coordination and coverage. A judge may take an additional 10 days of annual vacation leave with the approval of the chief judge. A maximum of 30 days of annual vacation unused due to workload constraints may be carried from one calendar year into the first quarter of the next calendar year and used during that quarter, if approved by the chief judge. Vacation days do not include:
- (a) attendance at Michigan judicial conferences;
 - (b) attendance, with the chief judge's approval, at educational meetings or seminars;
 - (c) attendance, with the chief judge's approval, at meetings of judicial committees or committees substantially related to judicial administration of justice;
 - (d) absence due to illness; or
 - (e) administrative leave, with the chief judge's approval.

- (4) Judicial Education Leave Standard. A judge is expected to take judicial education leave of 2 weeks every 3 years to participate in continuing legal education and training at Michigan judicial training programs and nationally recognized judicial education programs, including graduate and refresher courses. Judicial education leave does not include judicial conferences for which attendance is required. The use of judicial education leave approved by the chief judge does not affect a judge's annual leave.
- (5) Judicial Professional Leave Standard. Judges are encouraged, as part of their regular judicial responsibilities, to participate in professional meetings and conferences that advance the administration of justice or the public's understanding of the judicial system; to serve on commissions and committees of state and national organizations that contribute to the improvement of the law or that advance the interests of the judicial system; and to serve on Supreme Court-appointed or in-house assignments or committees. The use of judicial professional leave approved by the chief judge does not affect a judge's annual leave or education leave.
- (6) Approval of Judicial Absences. A judge may not be absent from the court without the chief judge's prior approval, except for personal illness. In making the decision on a request to approve a vacation or other absence, the chief judge shall consider, among other factors, the pending caseload of the judge involved. The chief judge shall withhold approval of vacation, judicial education, or judicial professional leave that conforms to these standards only if withholding approval is necessary to ensure the orderly conduct of judicial business. The chief judge shall maintain records of absences to be available at the request of the Supreme Court.